

JAMES M. FINBERG (SBN 114850)
PETER E. LECKMAN (SBN 235721)
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064
E-mails: jfinberg@altshulerberzon.com
pleckman@altshulerberzon.com

KELLY M. DERMODY (SBN 171716)
JAHAN C. SAGAFI (SBN 224887)
LIEFF, CABRASER, HEIMANN
& BERNSTEIN, LLP
275 Battery Street, 30th Floor
San Francisco, California 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008
E-mails: kdermody@lchb.com
jsagafi@lchb.com

Attorneys for Plaintiff Ahmed Higazi

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AHMED HIGAZI, on behalf of himself
and a class of those similarly situated,

Plaintiff,

v.

CADENCE DESIGN SYSTEMS, INC.,

Defendant.

No. C-07-2813-JW

**[PROPOSED] ORDER GRANTING MOTION
FOR AWARD OF ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES**

Date: July 7, 2008
Time: 9:00 a.m.
Courtroom: 8
Judge: Hon. James Ware

1 The Court having considered the Joint Stipulation of Class Settlement and Settlement Agreement
2 and Release ("Settlement Agreement") (Docket No. 52), and having preliminarily approved the same on
3 March 12, 2008;

4 The Court having considered the First Amended Joint Stipulation of Settlement (Docket No. 61);

5 The Court having entered an Order directing that notice be given to the Class Members (Docket
6 No. 60), and notice having been individually mailed to the Class Members, and the Court having
7 conducted a Fairness Hearing concerning the proposed settlement;

8 The Court having reviewed Class Counsel's Motion for an Award of Attorneys' Fees and
9 Reimbursement of Expenses and the Memorandum of Points and Authorities in Support of that motion;

10 The Court having reviewed the entire record of this action, and good cause appearing,

11 **IT IS HEREBY ORDERED:**

12 1. The Court has jurisdiction over the subject matter of this action, the Defendant, and the
13 Class;

14 2. Notice of the requested award of attorneys' fees and reimbursement of expenses was
15 directed to Class Members in a reasonable manner, and complies with Rule 23(h)(1) of the Federal
16 Rules of Civil Procedure;

17 3. Class Members and any party from whom payment is sought have been given the
18 opportunity to object in compliance with Fed. R. Civ. P. 23(h)(2);

19 4. The requested award of \$1,875,000 in attorneys' fees is supported by the percentage of
20 the common fund method, as it is less than this Circuit's benchmark of 25 percent. *See, e.g., Paul,*
21 *Johnson, Alston & Hunt v. Gaulty*, 886 F.2d 268 (9th Cir. 1989); *Six Mexican Workers v. Arizona*
22 *Citrus Growers*, 904 F.2d 1301 (9th Cir. 1990); *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043 (9th Cir.
23 2002). The Court reaches this conclusion based on attorneys' fees awards issued in similar cases, and
24 the fact that the common fund of \$7,664,857 was created for Class Members through the efforts of Class
25 Counsel;

26 5. The amount of fees requested is also fair and reasonable as analyzed under the lodestar
27 method. The Court has reviewed the hours devoted to this case by Class Counsel and concludes that
28 they are reasonable. The Court has reviewed the hourly rates used by Class Counsel in calculating their

1 lodestar fees and concludes that these rates are appropriate for attorneys in this locality of Class
2 Counsel's skill and experience. The multiplier of approximately 3.7 is justified by the risk Counsel
3 undertook and the excellent result that they achieved for their clients;

4 6. The \$45,911.17 in litigation costs and expenses incurred by Class Counsel have been
5 adequately documented and were reasonably incurred for the benefit of the Class, and the Court finds
6 that reimbursement of these costs and expenses is justified;

7 **THE COURT HEREBY ORDERS:**

8 Class Counsel are hereby awarded attorneys' fees in the amount of \$1,875,000 and
9 reimbursement of costs and expenses in the amount of \$45,911.17.

10
11 Dated: _____

12
13 _____
14 Honorable James Ware
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28